

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
PRETRIAL SERVICES**

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April 6, 2005

Honorable Reginald C. Lindsay
Judge, U.S. District Court
1 Courthouse Way
Boston, MA 02210

RE: HERLIHY. Timothy
CR #
Release Status Letter

Dear Judge Lindsay:

This letter is provided as an update of Mr. Herlihy's status while on pretrial release. Mr. Herlihy appeared before Magistrate Judge Marianne B. Bowler on April 17, 2004 following a Complaint charging him with Conspiracy to Distribute Hydrocodone. He was initially detained upon a motion by the Government and a detention hearing was scheduled for April 20, 2004.

On April 20, 2004, Both parties agreed to bail conditions that would include residential drug treatment. Magistrate Judge Bowler ordered that Mr. Herlihy be released directly to residential drug treatment and upon completion, return to the Court for further consideration of bail. Mr. Herlihy's father drove Mr. Herlihy to Gosnold Treatment Center in Falmouth, MA on April 20, 2004.

TREATMENT HISTORY

Mr. Herlihy participated in the detox and short term program at Gosnold. He was detoxed through suboxone protocol and on May 4, 2004, he was transferred to Gosnold's men's residential program, The Miller House. Mr. Herlihy began to understand the challenges he faced and began to demonstrate a commitment to facing those challenges. At the Miller House he demonstrated motivation to continue his treatment but was slow in grasping some of the information. This did not appear to be from a lack of desire, but rather, his substantial opiate use slowed his ability to comprehend all the information provided at the Miller House. Once his body had fully withdrawn from the effects of his substance abuse and detox protocol, he began to

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engage with a real enthusiasm.

Mr. Herlihy was recommended for the Miller Intensive Treatment Program (see attached description) and has participated fully with the M.I.T. program. He obtained a sponsor who has brought him to Alcoholics and Narcotics Anonymous meetings as well as guided him on the difficulties of early recovery. His sponsor is well known to the Miller House and is a strong member of the 12 step community in Falmouth. Mr. Herlihy's counselor, Mr. Ned Nolan, recommended that Mr. Herlihy continue in a sober house so that he would develop a support network while in a safe and sober environment. Although, Mr. Herlihy wanted to return home, he agreed to sober housing and secured a bed at the Lake Shore Lodge, Lake Shore Drive, Falmouth. He had developed sober friends in the Falmouth area and built a core A.A. group. Mr. Herlihy was recommended to participate in outpatient group counseling through the Intensive Out patient Program at Gosnold.

AFTERCARE

On July 12, 2004, Magistrate Judge Bowler modified Mr. Herlihy's conditions to allow him to leave Gosnold Treatment and move to the Lake Shore Lodge sober house. Mr. Herlihy had secured employment with a local carpenter, was set up with drug treatment at Gosnold Outpatient and assigned to the random drug testing program. The following are the conditions ordered on July 12, 2004:

Reside at sober house (notify the Court and Pretrial Services of the address)

- (1) Follow all rules of the sober house
- (2) Refrain from all alcohol and all illegal substances
- (3) Submit to random drug testing
- (4) Participate in out patient treatment as directed
- (5) Report to Pretrial Services as directed
- (6) Notify Pretrial Services of any change in employment status
- (7) Notify Pretrial Services of any arrests or interaction with law enforcement within 24 hours

On July 27, 2004, I received a call from the manager of the sober house indicating that defendant returned to the house after curfew (3 am). He submitted to a drug test and the result was negative. Mr. Herlihy had apparently volunteered to ride with another Lake Shore resident, the previous evening, to drive this individual to their designated Bureau of Prisons site in Connecticut. During the return trip home, the driver of the vehicle that he was riding in pulled over to the side of the road and began to get high on illegal drugs. Mr. Herlihy jumped out of the car in Rhode Island and called his father in Massachusetts to come pick him up. He had to wait for his father and didn't return to Lake Shore until 3 am. Mr. Herlihy's father confirmed the events.

Mr. Herlihy participated and completed the Intensive Outpatient Program (IOP) at Gosnold and was referred to the IOP aftercare group. Mr. Michael Goulet, LICSW, runs this group. He indicated that Mr. Herlihy remains an active participant in the weekly aftercare group. Mr. Goulet further indicates that Mr. Herlihy demonstrates use of the 12 step principles suggested and this has helped him out of "periodic ruts" that he experiences from loneliness or idle time on

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his hands. He is exploring how to recreate in a sober and healthy manner.

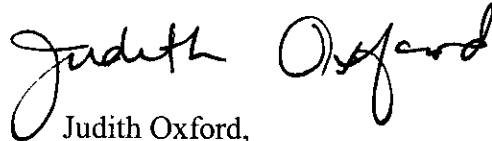
COMPLIANCE WITH CONDITIONS

Mr. Herlihy's license was reinstated in November, 2004 and this made it easier for him to pursue other employment than his carpentry position. This employment was not steady during the winter months and made it stressful from Mr. Herlihy. On March 14, 2005, he began working for Century 21 in Hyannis, MA. He is in the beginning stages of taking his Real Estate Exam.

Mr. Herlihy has been tested weekly for illegal substances and all tests have been negative. I have spoken on several occasions to the Lake Shore Lodge house manager and have been told that Mr. Herlihy has maintained a positive standing at the house and with all the residents.

Mr. Herlihy has complied fully with his release conditions and maintained flawless telephone contact each week with Pretrial Services. State and Federal records indicate no new arrests or warrants. The above information is provided for Your Honor's consideration of further bail.

Respectfully,

A handwritten signature in black ink, appearing to read "Judith Oxford". The signature is fluid and cursive, with the first name "Judith" written in a larger, more prominent script than the last name "Oxford".

Judith Oxford,
Drug/Alcohol Treatment Specialist

JAO

cc: Michael Pelgro, AUSA
Matthew Kamholtz, Esq.